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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMES COPPAGE :
Plaintiff, : Civil Action
vs. : No.
: 1-18-cv-03823-
UNITED STATES STEEL : GLR
CORPORATION, et al., :
Defendants. :

November 21, 2019

Oral Deposition of ROBERT F.
HERRICK, Sc.D., CIH, FAIHA, taken pursuant
to Notice at Veritext-Boston, 101 Arch
Street, Suite 650, Boston, Massachusetts
02110, beginning at 9:09 a.m. before
Brigitte A. Strain, a Federally Approved
Registered Professional Reporter and Notary
Public.

VERITEXT LEGAL SOLUTIONS
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<p style="text-align: right;">Page 10</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH10</p> <p>1 THE WITNESS: Well, he</p> <p>2 confirmed some things that are in</p> <p>3 there. I was trying to think -- It's</p> <p>4 not exactly brand new. It really had</p> <p>5 to do with -- He gave me some</p> <p>6 information about the quantities of</p> <p>7 some of the solvents that came in,</p> <p>8 number of tank trucks per week and</p> <p>9 things like that. So, there is a</p> <p>10 little bit of new stuff in that</p> <p>11 sense.</p> <p>12 BY MR. CAIRONE:</p> <p>13 Q. Can we see those notes,</p> <p>14 please?</p> <p>15 A. Sure.</p> <p>16 Q. We're going to have to get</p> <p>17 copies of this made, and we'll have to</p> <p>18 probably ask you about this after a break.</p> <p>19 Okay?</p> <p>20 A. Sure.</p> <p>21 Q. Is there anything in addition</p> <p>22 to these notes that you brought today that</p> <p>23 we haven't already been provided?</p> <p>24 A. This is information -- I was</p>	<p style="text-align: right;">Page 12</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH12</p> <p>1 Q. And you didn't bother to do</p> <p>2 this work until after you wrote your report?</p> <p>3 MR. DuPONT: Objection, form.</p> <p>4 THE WITNESS: Well, I was</p> <p>5 trying to clarify. You know, as I'm</p> <p>6 sitting, trying to get ready for</p> <p>7 questions like I expect to hear from</p> <p>8 you guys today, you know, there were</p> <p>9 some things that I didn't anticipate</p> <p>10 when I wrote the report back last</p> <p>11 May, I guess it was.</p> <p>12 BY MR. CAIRONE:</p> <p>13 Q. And what caused you to</p> <p>14 anticipate them after you wrote your report?</p> <p>15 A. Well, part of it is, I've had</p> <p>16 a couple of these depositions already. You</p> <p>17 know, at the time I wrote the report, I</p> <p>18 hadn't had any depositions on any of the</p> <p>19 benzene cases. And so I really couldn't</p> <p>20 anticipate, you know, what some of the</p> <p>21 questions might be. But since I've been</p> <p>22 through a couple of these, I have a better</p> <p>23 sense of what you're interested in asking</p> <p>24 about.</p>
<p style="text-align: right;">Page 11</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH11</p> <p>1 just trying to kind of harvest information</p> <p>2 from Stallings where he talked about the --</p> <p>3 his recollection of different solvents that</p> <p>4 were used, in line of trying to see what the</p> <p>5 evidence was about this issue of how much</p> <p>6 benzene was in the materials.</p> <p>7 Q. So why are you doing these</p> <p>8 things now, between the time of your report</p> <p>9 and this deposition?</p> <p>10 A. Well, I just -- you know, as</p> <p>11 I've been trying to prepare for it, you</p> <p>12 know, it occurred to me that, you know,</p> <p>13 these are the kinds of questions that were</p> <p>14 very likely to come into play. So I was</p> <p>15 trying to come up with, you know -- so I had</p> <p>16 better answers because I didn't directly</p> <p>17 address them in my report.</p> <p>18 Q. Well, the benzene content of</p> <p>19 any product Mr. Coppage allegedly used was</p> <p>20 critical to your report. Right?</p> <p>21 MR. DuPONT: Objection, form.</p> <p>22 THE WITNESS: Well, it was,</p> <p>23 Yeah.</p> <p>24 BY MR. CAIRONE:</p>	<p style="text-align: right;">Page 13</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH13</p> <p>1 Q. What questions did you</p> <p>2 anticipate being asked today that you</p> <p>3 thought you needed to cover with this</p> <p>4 additional work?</p> <p>5 A. Well, part of it had to do</p> <p>6 with -- you know, obviously, as you</p> <p>7 mentioned, the benzene content is pretty</p> <p>8 critical. And so in terms of, you know,</p> <p>9 Coppage not really remembering anything</p> <p>10 about the brands, or the names, or the</p> <p>11 labels, or anything on the products, you</p> <p>12 know, I turned more to Stallings to see, you</p> <p>13 know, what sort of information he had</p> <p>14 provided.</p> <p>15 And so, you know, along these</p> <p>16 lines, I tried to harvest this information</p> <p>17 that might shed some light on, you know,</p> <p>18 especially the product that he identified as</p> <p>19 Hanco, what the likelihood was that it</p> <p>20 actually was a benzene-containing material.</p> <p>21 Q. But see, I'm confused. So</p> <p>22 just help me with this. You've relied on Mr.</p> <p>23 Stallings when you wrote your original</p> <p>24 report, and you relied on him for the</p>

<p style="text-align: right;">Page 14</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH14</p> <p>1 benzene content of all solvents used prior 2 to 1977. Right?</p> <p>3 MR. DuPONT: Objection, form. 4 It misstates what's in his report.</p> <p>5 MR. CAIRONE: Well, we can 6 look at his report. I think it states 7 it perfectly.</p> <p>8 MR. DuPONT: Your opinion of 9 what it does or does not state 10 perfectly is irrelevant to these 11 proceedings.</p> <p>12 MR. CAIRONE: The report will 13 speak for itself.</p> <p>14 BY MR. CAIRONE:</p> <p>15 Q. You can answer my question. 16 A. Well, just to try to speak 17 directly to the question, it's something I 18 was trying to anticipate when questions like 19 this came, what's the best answer I could 20 provide. And then there was information that 21 I didn't incorporate in the report that I 22 think, you know, is relevant to giving you 23 guys the best possible answer.</p> <p>24 Q. Well, what new information did</p>	<p style="text-align: right;">Page 16</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH16</p> <p>1 And I just tried to match up what we knew 2 about where Stallings had actually worked 3 and during what time periods, so I could 4 track, you know, his recollections in terms 5 of times when he was actually in the same 6 place as Mr. Coppage.</p> <p>7 Q. Well, we're going to have to 8 make copies of these because this is all new 9 information. There's some very --</p> <p>10 MR. DuPONT: Well, it's 11 information that's in the deposition 12 of Mr. Stallings.</p> <p>13 MR. CAIRONE: Well, we'll get 14 into that. I think there's some 15 information here that's inaccurate 16 characterization of what's in the 17 deposition.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. But the fact that you did this 20 between the time of your report and today 21 significantly hampers our ability to ask you 22 questions about a very significant component 23 of your report, the benzene content of the 24 solvents that were used. So that's going to</p>
<p style="text-align: right;">Page 15</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH15</p> <p>1 you harvest?</p> <p>2 A. Well, some of it had to do 3 with things like, you know, in looking at 4 the product called Hanco, you know, which he 5 had in the 55-gallon drum, which of the 6 Hanco products, you know, are actually in 7 55-gallon drums and what are they actually 8 used for. Because, as he, you know, 9 recalled, this was kind of a general purpose 10 solvent that they used for all kinds of 11 applications. And as I was looking at the 12 range of Hanco products, you know, it's 13 pretty clear that there are a lot of things 14 that are much more specialized for very 15 particular uses, which would lead me to 16 believe that those other products were 17 likely not to be the material that he was 18 recalling use.</p> <p>19 Q. Do you have these notes? 20 A. Yeah, they're right here.</p> <p>21 Q. Can I have those, please? 22 A. Sure. Also, you'll see on 23 here, the other thing I tried to do was -- 24 You'll see one of my tables from the report.</p>	<p style="text-align: right;">Page 17</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH17</p> <p>1 be a real problem. And we may have to 2 reserve the right to depose you again, 3 depending on how this goes. But we have to 4 make copies of this later. Okay?</p> <p>5 A. Uh-huh.</p> <p>6 MR. FISHKIN: Is any of this 7 material contained in the Dropbox 8 that was provided to us a few minutes 9 before the deposition started?</p> <p>10 MR. DuPONT: No, I don't have 11 it in electronic format.</p> <p>12 MS. PROSSER: No.</p> <p>13 MR. FISHKIN: I'm sorry?</p> <p>14 MR. DuPONT: I said, no, I do 15 not have it in electronic format.</p> <p>16 BY MR. CAIRONE:</p> <p>17 Q. Okay. Let's try to establish 18 --</p> <p>19 MR. FISHKIN: How many pages 20 of notes are there?</p> <p>21 MR. CAIRONE: There's three -- 22 four, including the handwritten 23 notes.</p> <p>24 MR. FISHKIN: Okay. Thank</p>

<p style="text-align: right;">Page 22</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH22</p> <p>1 Q. I know he worked beyond that, 2 but I'm going to leave that for other folks 3 to ask you about. I think you've already 4 said it in our discussion about the new 5 information that you provided this morning, 6 that Mr. Coppage said he used a solvent for 7 cleaning purposes at all three of the sites 8 that we just mentioned, but he never 9 identified that solvent by name; correct?</p> <p>10 A. That is correct. Right.</p> <p>11 Q. So, he never identified the 12 solvent that he used by chemical name. 13 Correct?</p> <p>14 A. My recollection from his 15 deposition was that he just said he couldn't 16 remember.</p> <p>17 Q. So, he didn't remember 18 anything about it, other than it was a 19 solvent?</p> <p>20 MR. DuPONT: Objection, form.</p> <p>21 THE WITNESS: Well, I think 22 that's probably fair. Yeah.</p> <p>23 BY MR. CAIRONE:</p> <p>24 Q. Just for the record, he didn't</p>	<p style="text-align: right;">Page 24</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH24</p> <p>1 It's the column I added on the far right 2 side of the table under Stallings.</p> <p>3 Q. So, in this document you just 4 gave me, it says that he started in the 5 pressroom at the News-American in 1956, and 6 he became an apprentice in 1961. So, what I 7 just asked you, that's correct. Right?</p> <p>8 A. I think that's right. Yeah.</p> <p>9 Q. And then Mr. Stallings worked 10 as an apprentice from either 1961 to 1966 or 11 '67, rotating among the Baltimore Sun, the 12 News-American and Alco-Gravure just like Mr. 13 Stallings did during a slightly different 14 time period. Right?</p> <p>15 MR. DuPONT: Objection, form.</p> <p>16 THE WITNESS: I think that's 17 right. Yeah.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. And then Mr. Stallings worked 20 as a journeyman pressman from 1966 or 1967 21 to about 1986 at the News-American. Right?</p> <p>22 A. I think that's right. Yeah.</p> <p>23 Q. And then Mr. Stallings worked 24 as a journeyman pressman at the Baltimore</p>
<p style="text-align: right;">Page 23</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH23</p> <p>1 identify it by chemical name. Right?</p> <p>2 A. Right.</p> <p>3 Q. He didn't identify it by 4 product name. Right?</p> <p>5 A. Right.</p> <p>6 Q. He didn't identify it by brand 7 name. Right?</p> <p>8 A. Right.</p> <p>9 Q. Now, what he did say was that 10 it was clear. Do you remember that?</p> <p>11 A. I do.</p> <p>12 Q. You didn't mention that in 13 your report, did you?</p> <p>14 A. It doesn't ring a bell. I 15 don't think I said anything about -- I don't 16 think I addressed that. No.</p> <p>17 Q. Now, you relied on the 18 deposition of a Mr. Stallings; right?</p> <p>19 A. I did.</p> <p>20 Q. Mr. Stallings worked as a 21 junior pressman at the News-American from 22 1956 to 1961; correct?</p> <p>23 A. I think that's what I tried to 24 capture in that additional table I just --</p>	<p style="text-align: right;">Page 25</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH25</p> <p>1 Sun from 1986 to 2002; correct?</p> <p>2 A. I think that's right. Yeah.</p> <p>3 Q. By my calculation, the only 4 overlap where Mr. Coppage and Mr. Stallings 5 actually worked in the same rotation was 6 1965 to either '66 or '67. Is that fair?</p> <p>7 A. Is that his rotation as an 8 apprentice? Is that --</p> <p>9 Q. Well, I'm asking you. I just 10 want to make sure we --</p> <p>11 A. Okay. Can I see my little 12 table?</p> <p>13 Q. Yes.</p> <p>14 A. That's the way I tried to put 15 this together. Thanks. Yeah, he was at the 16 News-American, but that was before Mr. 17 Coppage was there. And so -- yeah, I think 18 I would agree that most of his direct 19 overlap time was during this time when he 20 was the journeyman on call. He was at the 21 News-American, and he was at the Sun. He was 22 also at Alco-Gravure during that period.</p> <p>23 Q. Well, you say direct overlap, 24 but they were both -- During this short time</p>

<p style="text-align: right;">Page 26</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH26</p> <p>1 period when they were rotating, they were</p> <p>2 rotating among three different places;</p> <p>3 right?</p> <p>4 A. Uh-huh. Yes.</p> <p>5 Q. Are you aware of any evidence</p> <p>6 that they were ever in the same location at</p> <p>7 the same time?</p> <p>8 A. Yeah, I don't remember if</p> <p>9 either one of them were asked that. I guess</p> <p>10 I don't --</p> <p>11 Q. Well, if they weren't asked ,</p> <p>12 there's no evidence of it. Right?</p> <p>13 MR. DuPONT: Objection, form.</p> <p>14 BY MR. CAIRONE:</p> <p>15 Q. Let me ask it again. Do you</p> <p>16 have any evidence to support that Mr.</p> <p>17 Coppage and Mr. Stallings were at the same</p> <p>18 location at any time?</p> <p>19 A. Simultaneously.</p> <p>20 Q. Working at the same place at</p> <p>21 the same time?</p> <p>22 A. I don't see that directly in</p> <p>23 the record, no.</p> <p>24 Q. And you would agree with me</p>	<p style="text-align: right;">Page 28</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH28</p> <p>1 different companies associated with those</p> <p>2 solvents; right?</p> <p>3 A. That's right. I'm just looking</p> <p>4 to where I mentioned that in here.</p> <p>5 Q. Before we move on with that,</p> <p>6 let me just make sure I clarify one thing</p> <p>7 for the record. Can you look at your report</p> <p>8 on page two?</p> <p>9 A. Uh-huh. Yep.</p> <p>10 Q. Mr. Coppage did work at two</p> <p>11 locations in here, the Boone Press, Inc.,</p> <p>12 and the Twentieth Century Printing Company.</p> <p>13 Do you see those?</p> <p>14 A. I do see those, yes.</p> <p>15 Q. But, as you said in your</p> <p>16 report, the evidence is that he used no</p> <p>17 solvents or chemicals there; right?</p> <p>18 MR. DuPONT: Objection, form.</p> <p>19 THE WITNESS: I don't remember.</p> <p>20 What I remember was that they -- you</p> <p>21 know, I tried to see how much time he</p> <p>22 actually spent there. And there was</p> <p>23 really very little information.</p> <p>24 And looking at his IRS</p>
<p style="text-align: right;">Page 27</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH27</p> <p>1 that in Mr. Stallings' deposition, Mr.</p> <p>2 Coppage is never mentioned?</p> <p>3 A. I don't have an encyclopedic</p> <p>4 recollection of Stallings' deposition. I</p> <p>5 don't remember if he was asked even.</p> <p>6 Q. Well, don't you think that if</p> <p>7 he were mentioned in Mr. Stallings'</p> <p>8 deposition, you would have put it in your</p> <p>9 report?</p> <p>10 A. I don't know. Possibly.</p> <p>11 Q. But, as you sit here today,</p> <p>12 you don't have any recollection of Mr.</p> <p>13 Coppage being mentioned by Mr. Stallings?</p> <p>14 A. No, I don't.</p> <p>15 Q. Now, we'll have to get back to</p> <p>16 this after I have the time to review the new</p> <p>17 notes. But, based on the information in</p> <p>18 your current report, you say that Mr.</p> <p>19 Stallings identified the use of three</p> <p>20 different general purpose cleaning solvents</p> <p>21 at the Baltimore Sun and the News-American.</p> <p>22 Right?</p> <p>23 A. Right.</p> <p>24 Q. And he identified three</p>	<p style="text-align: right;">Page 29</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH29</p> <p>1 information, you know, he -- he</p> <p>2 received very small amounts of money</p> <p>3 from those two. And so I didn't</p> <p>4 really see anything in the record.</p> <p>5 Oh, here we go. So at</p> <p>6 Twentieth Century, he reported that</p> <p>7 he didn't use any solvents there. And</p> <p>8 you're right. At Boone Press, in his</p> <p>9 deposition, he didn't recall using</p> <p>10 solvents there either.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Right. You put that in your</p> <p>13 report.</p> <p>14 A. Yeah, I just needed to find</p> <p>15 it.</p> <p>16 Q. So, he did not use any</p> <p>17 solvents or chemicals at those two</p> <p>18 locations. Correct?</p> <p>19 A. That was what he -- Those were</p> <p>20 his words. Yeah, that's what he stated.</p> <p>21 Q. Do you have any other evidence</p> <p>22 that he did?</p> <p>23 A. No. There really wasn't a lot</p> <p>24 of information, you know, in the record</p>

<p style="text-align: right;">Page 30</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH30</p> <p>1 about what he did in these two places.</p> <p>2 Q. When you calculated the</p> <p>3 exposure assessment, did you take into</p> <p>4 account the locations?</p> <p>5 A. No, I didn't.</p> <p>6 Q. That's all I was trying to</p> <p>7 clarify.</p> <p>8 A. Okay.</p> <p>9 Q. So, getting back to where we</p> <p>10 were, Mr. Stallings identified a general</p> <p>11 purpose cleaning solvent, and he identified</p> <p>12 three companies. Correct?</p> <p>13 A. Yeah, I'm just trying to --</p> <p>14 yes, that's right.</p> <p>15 Q. And those three companies were</p> <p>16 U.S. Printing Inks, Sun Chemicals and Hanco;</p> <p>17 correct?</p> <p>18 A. Right. That's what he said.</p> <p>19 Q. And he also said that at the</p> <p>20 Baltimore Sun, he used the U.S. Printing and</p> <p>21 Sun Chemical solvent about 60 percent of the</p> <p>22 time and the Hanco about 40 percent of the</p> <p>23 time. Do you remember that?</p> <p>24 A. Yeah. I'm just looking at --</p>	<p style="text-align: right;">Page 32</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH32</p> <p>1 A. Well, he talked a lot about</p> <p>2 how he used it. Is that kind of what you're</p> <p>3 --</p> <p>4 Q. So, it's your testimony that</p> <p>5 Mr. Stallings testified about how he used a</p> <p>6 U.S. Printing ink solvent?</p> <p>7 A. Well, I'd have to go back and</p> <p>8 look more carefully in his deposition. I</p> <p>9 don't remember if he talked about the</p> <p>10 product use on a product specific basis.</p> <p>11 Q. Now, Mr. Stallings was deposed</p> <p>12 in -- not this case. You know that, right?</p> <p>13 A. I do. Yeah.</p> <p>14 Q. Do you know what the product,</p> <p>15 at issue was in the case he was deposed?</p> <p>16 A. I don't.</p> <p>17 Q. Do you know whether a U.S.</p> <p>18 Printing solvent was at issue in that case?</p> <p>19 A. I don't know much about that</p> <p>20 case. No.</p> <p>21 Q. Do you know if a Sun Chemical</p> <p>22 solvent was at issue in that case?</p> <p>23 A. I don't.</p> <p>24 Q. Do you recall, as you sit here</p>
<p style="text-align: right;">Page 31</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH31</p> <p>1 Yes, I do remember that. Right.</p> <p>2 Q. And Mr. Stallings said at</p> <p>3 News-American he used the U.S. Printing and</p> <p>4 the Sun Chemical solvent about 70 to 75</p> <p>5 percent of the time, and the Hanco about 25</p> <p>6 to 30 percent of the time. Do you remember</p> <p>7 that?</p> <p>8 A. I do. That sounds familiar.</p> <p>9 Yep.</p> <p>10 Q. Now, Mr. Stallings, in his</p> <p>11 deposition, said he could not identify the</p> <p>12 solvent by name or product number. Is that</p> <p>13 correct?</p> <p>14 A. I believe that is what he</p> <p>15 said. Yeah.</p> <p>16 Q. And did Mr. Stallings talk at</p> <p>17 all about the U.S. Printing or Sun Chemical</p> <p>18 solvent in his deposition?</p> <p>19 MR. DuPONT: Objection, form.</p> <p>20 THE WITNESS: Help me</p> <p>21 understand. When you say talk about,</p> <p>22 I mean, he talks about --</p> <p>23 BY MR. CAIRONE:</p> <p>24 Q. Did he say anything about it?</p>	<p style="text-align: right;">Page 33</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH33</p> <p>1 today, Mr. Stallings ever mentioning a U.S.</p> <p>2 Printing ink product in his deposition?</p> <p>3 A. You know, I have to say, I'm</p> <p>4 not -- I don't recall that much about his</p> <p>5 deposition to give you a really good answer</p> <p>6 to that.</p> <p>7 Q. Same question on Sun Chemical.</p> <p>8 As you sit here today, do you recall him</p> <p>9 ever mentioning a Sun Chemical solvent in</p> <p>10 his deposition?</p> <p>11 A. I don't.</p> <p>12 MR. DuPONT: Objection, form.</p> <p>13 BY MR. CAIRONE:</p> <p>14 Q. Now, on page 16 of your</p> <p>15 report -- I'll let you go there -- Mr.</p> <p>16 Stallings said that the solvents that he</p> <p>17 used were always clear.</p> <p>18 A. I see that. Yep.</p> <p>19 Q. And, as we've already</p> <p>20 established, Mr. Coppage also said the</p> <p>21 solvent he used was always clear, but you</p> <p>22 didn't put that in your report. Right?</p> <p>23 A. Apparently not, no.</p> <p>24 Q. Now, can we also agree that</p>

<p style="text-align: right;">Page 34</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH34</p> <p>1 even according to Mr. Stallings' deposition, 2 there was no Hanco product used at 3 Alco-Gravure?</p> <p>4 MR. DuPONT: I think you made 5 a misrepresentation about what's in 6 his report. So I'll make an objection 7 to that for the record.</p> <p>8 THE WITNESS: Could you repeat 9 that one? I just want to make sure I 10 understood the --</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Yes. I'm saying there was no 13 Hanco product used at Alco-Gravure. The 14 product that was identified was toluene.</p> <p>15 A. That was -- I remember that 16 Stallings mentioned toluene; right.</p> <p>17 Q. Did he mention Hanco at 18 Alco-Gravure?</p> <p>19 A. Let's see.</p> <p>20 Q. Take your time.</p> <p>21 A. Sure.</p> <p>22 No, I don't remember that he 23 did.</p> <p>24 Q. And you would agree with me</p>	<p style="text-align: right;">Page 36</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH36</p> <p>1 Q. Yes.</p> <p>2 A. Right. Correct.</p> <p>3 Q. And Mr. Stallings identified 4 three solvents that he says they used at 5 Baltimore Sun and News-American; correct?</p> <p>6 A. I think that is correct. Yeah.</p> <p>7 Q. Mr. Stallings did not identify 8 any of those solvents by product name. 9 Correct? Well, I'm sorry, by the exact 10 product name.</p> <p>11 A. He didn't. He mentioned what 12 he thought was the manufacturer, not the 13 product name.</p> <p>14 Q. Okay. And he could not, and 15 he did not identify the product number of 16 any Hanco solvent. Right?</p> <p>17 MR. DuPONT: Compound.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. Let me address that.</p> <p>20 A. Sure.</p> <p>21 Q. Good objection. I'll break it 22 down.</p> <p>23 He did not identify the 24 product number of any Hanco product.</p>
<p style="text-align: right;">Page 35</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH35</p> <p>1 that both Mr. Coppage and Mr. Stallings said 2 the printing process at Alco-Gravure was 3 entirely different from the one at the 4 Baltimore Sun or the News-American; right?</p> <p>5 A. Well, they did say it was 6 different, especially the cleaning processes 7 particularly.</p> <p>8 Q. And the printing process; 9 right?</p> <p>10 A. It is different. Sure.</p> <p>11 Q. One is rotogravure; right?</p> <p>12 A. Right.</p> <p>13 Q. Now I want to focus on the 14 1960 to 1969 time period. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. Now, Mr. Coppage, during that 17 particular time period, could not identify 18 the solvent he used, but he said it was 19 clear. Correct?</p> <p>20 MR. DuPONT: Objection, form.</p> <p>21 THE WITNESS: I just want to 22 double check. So this is before he 23 went to Alco; right?</p> <p>24 BY MR. CAIRONE:</p>	<p style="text-align: right;">Page 37</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH37</p> <p>1 Correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And he said he could not 4 identify any product number of any Hanco 5 product, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. At this point, I was going to 8 go into your exposure assessment, but why 9 don't we take a break so we can get these 10 copied, and we can all take a look at them. 11 That's probably going to take at least 15 12 minutes. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. We're going to take a 15 15 minute break. I guess we could try to e-mail 16 these folks, but I'm not sure how that's 17 going to work.</p> <p>18 (Discussion held off the 19 record.)</p> <p>20 (Whereupon there was a recess 21 in the proceeding from 9:34 a.m. to 22 9:43 a.m.)</p> <p>23 - - -</p> <p>24 (Whereupon the document was</p>

<p style="text-align: right;">Page 42</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH42</p> <p>1 to doing this report. And, you know, in my 2 discussions with Andrew, you know, I 3 expressed that, you know, I hadn't really 4 put as much emphasis on identifying these 5 sources as, you know, you guys were going to 6 be asking about.</p> <p>7 Q. So, these are your handwritten 8 notes, and I think I can read most of them, 9 but as far as I can see, nothing on this 10 handwritten note says anything about Hanco. 11 Is that right?</p> <p>12 A. Hanco's not mentioned, no.</p> <p>13 Q. Did you ask Mr. Southworth 14 about Hanco?</p> <p>15 A. No. I was really focused more 16 on the source of the toluene and the 17 lactane.</p> <p>18 Q. So, did you discuss with Mr. 19 Southworth anything about the period of when 20 Mr. Coppage worked, from 1960 to 1969?</p> <p>21 MR. DuPONT: Objection, form.</p> <p>22 THE WITNESS: Let's see.</p> <p>23 That's when he was --</p> <p>24 BY MR. CAIRONE:</p>	<p style="text-align: right;">Page 44</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH44</p> <p>1 emission rate, it's important to know the 2 benzene content of the product. Right?</p> <p>3 A. That's correct, yes.</p> <p>4 Q. And we've already established, 5 I think -- and you tell me if I'm wrong 6 because I'm not trying to state your 7 testimony. Okay? I'm just trying to ask you 8 questions. You could not have relied on Mr. 9 Coppage's testimony to determine the benzene 10 content of the solvent he used because he 11 never identified it. Is that right?</p> <p>12 A. Right. I didn't have that 13 information from Coppage.</p> <p>14 Q. So, based on your report, as I 15 understand it, you relied on another 16 deposition taken of a Mr. Graham; is that 17 right?</p> <p>18 A. That's correct, yeah.</p> <p>19 Q. And you used that deposition 20 to arrive at your assumption that the 21 benzene content of the solvent used at the 22 Baltimore Sun and the News-American for the 23 period 1960 to 1969 contained 50 percent 24 benzene. Right?</p>
<p style="text-align: right;">Page 43</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH43</p> <p>1 Q. He was at the News-American 2 and the Baltimore Sun.</p> <p>3 A. Right. No, this was more 4 focused on his time at the Alco group here.</p> <p>5 Q. So, I mean, I don't want to 6 waste time on it. There's nothing in your 7 conversation with Mr. Southworth that gave 8 you any more information about any use of 9 the Hanco solvent at any workplace where Mr. 10 Coppage was; is that right?</p> <p>11 A. That's right.</p> <p>12 Q. Okay. I'm going to save this 13 one. Let's move on.</p> <p>14 Now, in the report that you 15 issued in this case, you evaluated your 16 exposure assessment for the solvents used by 17 Mr. Coppage using the near-field/far-field 18 model. Is that right?</p> <p>19 A. That's correct. Yep.</p> <p>20 Q. And you would agree with me 21 that an important part of the use of that 22 model is the benzene emission rate. Right?</p> <p>23 A. It is, yes.</p> <p>24 Q. And in order to do the benzene</p>	<p style="text-align: right;">Page 45</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH45</p> <p>1 A. That's right.</p> <p>2 Q. And, according to the 3 footnotes in your report -- and I think this 4 is on page 25 if you want to go to it -- you 5 used page 254 of Mr. Graham's deposition for 6 the basis of the assumption that the solvent 7 contained 50 percent benzene. Is that right?</p> <p>8 A. That's what I said, yes.</p> <p>9 Q. Do you have Mr. Graham's 10 deposition with you?</p> <p>11 A. No, I don't.</p> <p>12 Q. Well, I've only got one copy, 13 but I'll read it to you and I'll do the best 14 I can to get it right. And if you'd like, 15 you can look at it. Okay?</p> <p>16 So on page 254 of Mr. Graham's 17 deposition --</p> <p>18 MR. DuPONT: Which line?</p> <p>19 MR. CAIRONE: Well, I'm not 20 sure what I'm going to do yet. Do you 21 have it?</p> <p>22 BY MR. CAIRONE:</p> <p>23 Q. Lines 10 through 16. The 24 question is:</p>

<p style="text-align: right;">Page 50</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH50</p> <p>1 your assumption that Mr. Coppage's use of</p> <p>2 solvents prior to 1977 was solvents that</p> <p>3 contained 50 percent benzene?</p> <p>4 A. Well, it's consistent with</p> <p>5 what was going on in the practice of</p> <p>6 printing during that time period, that</p> <p>7 benzene-containing solvents were used for</p> <p>8 this general purpose cleaning.</p> <p>9 Q. Do you know that Hanco had</p> <p>10 multiple products for use with printing</p> <p>11 presses and cleaning?</p> <p>12 A. I do.</p> <p>13 Q. Why did you choose this one?</p> <p>14 Mr. Graham was not talking about Mr.</p> <p>15 Coppage.</p> <p>16 A. No, I understand that part. I</p> <p>17 was using this because I thought this was a</p> <p>18 good representation of a general purpose</p> <p>19 product. And I realized that Hanco has a</p> <p>20 lot of other products, a lot of which have</p> <p>21 more specialized applications.</p> <p>22 Q. What do you think MS-408 is</p> <p>23 used for?</p> <p>24 A. My assumption here was that it</p>	<p style="text-align: right;">Page 52</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH52</p> <p>1 MR. DuPONT: Objection, form.</p> <p>2 THE WITNESS: Okay. I could</p> <p>3 recalculate it. It would give us a</p> <p>4 different answer.</p> <p>5 BY MR. CAIRONE:</p> <p>6 Q. Right. I think that's an</p> <p>7 answer, although not clear.</p> <p>8 Now, what I want to show you,</p> <p>9 though is, just above the passage of this</p> <p>10 deposition that you use for your assumption,</p> <p>11 just above it, it says -- I'm sorry, not</p> <p>12 just above it, but it's on page 244, which</p> <p>13 isn't far above it.</p> <p>14 Now, we're talking about</p> <p>15 MS-408. Okay? Are you with me?</p> <p>16 A. Yep.</p> <p>17 Q. Line 22, page 244.</p> <p>18 "In any event, it's your</p> <p>19 understanding, based on looking at the</p> <p>20 documents, that Hancolite, which was MS-408,</p> <p>21 would have been purple in color during the</p> <p>22 '60s and '70s and early '80s. Correct?"</p> <p>23 Answer: "Violet, purple.</p> <p>24 However, yes, it was shaded."</p>
<p style="text-align: right;">Page 51</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH51</p> <p>1 was general purpose cleaning.</p> <p>2 Q. And if that assumption is</p> <p>3 wrong, then the basis for this 50 percent</p> <p>4 benzene is wrong.</p> <p>5 MR. DuPONT: Objection, form.</p> <p>6 THE WITNESS: Well, I'd have</p> <p>7 to look. I mean, it's possible that</p> <p>8 if there's a different number, it</p> <p>9 would have, you know, resulted in a</p> <p>10 different calculation.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Please answer my question,</p> <p>13 Doctor. You just said that you assumed this</p> <p>14 was a general purpose cleaner. Right?</p> <p>15 A. Right.</p> <p>16 Q. If that assumption is wrong,</p> <p>17 then your use of this product as the basis</p> <p>18 of your assumption of the benzene content is</p> <p>19 wrong.</p> <p>20 A. It would require a different</p> <p>21 value if the benzene content was different,</p> <p>22 yeah.</p> <p>23 Q. And if it requires a different</p> <p>24 value, it's wrong.</p>	<p style="text-align: right;">Page 53</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH53</p> <p>1 Why didn't you put that in</p> <p>2 your report?</p> <p>3 A. Well, it was mainly focused on</p> <p>4 the benzene content and I didn't know, you</p> <p>5 know, that that information really added</p> <p>6 anything.</p> <p>7 Q. We just established that both</p> <p>8 Mr. Stallings and Mr. Coppage said the</p> <p>9 solvent they used was always clear.</p> <p>10 MR. DuPONT: Objection, form.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. Didn't we?</p> <p>13 A. I remember that conversation,</p> <p>14 yeah.</p> <p>15 Q. Is it your testimony really,</p> <p>16 Dr. Herrick, that the fact that MS-408 was</p> <p>17 purple is not relevant?</p> <p>18 A. Well, it didn't really factor</p> <p>19 into my calculations around the benzene</p> <p>20 content, no.</p> <p>21 Q. Okay. Your benzene content</p> <p>22 was based on an assumption that Mr. Coppage</p> <p>23 used MS-408. Right?</p> <p>24 A. That's correct, yeah.</p>

<p style="text-align: right;">Page 54</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH54</p> <p>1 Q. Mr. Coppage said he used a</p> <p>2 clear solvent; right?</p> <p>3 A. He did.</p> <p>4 Q. According to Mr. Graham, who</p> <p>5 you rely on, MS-408 was purple.</p> <p>6 A. I understand that.</p> <p>7 Q. And that's of no consequence</p> <p>8 to you?</p> <p>9 A. Well, no. I mean, the</p> <p>10 distinction -- I get the distinction.</p> <p>11 Q. What's the distinction?</p> <p>12 A. Well, there's a discontinuity</p> <p>13 between Mr. Coppage's recollection and what</p> <p>14 Mr. Graham testified to. I guess I would</p> <p>15 just say, you know, in terms of talking to</p> <p>16 someone like Coppage, asking him about a</p> <p>17 product he used, what, 40 years ago, I guess</p> <p>18 I'm not completely shocked that, you know,</p> <p>19 there could be information that either he</p> <p>20 didn't recall correctly or he just</p> <p>21 misstated.</p> <p>22 Q. So you just assumed Mr.</p> <p>23 Coppage was wrong. He got it wrong.</p> <p>24 MR. DuPONT: Objection.</p>	<p style="text-align: right;">Page 56</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH56</p> <p>1 interviews, you know, my impression</p> <p>2 has always been that people are much</p> <p>3 better at recalling what they did</p> <p>4 than particular details, like, you</p> <p>5 know, the size of the room they were</p> <p>6 in, or the height of the ceiling or</p> <p>7 something like that. And so, you</p> <p>8 know, when I read these depositions</p> <p>9 and look at this information, I try</p> <p>10 to keep that in mind.</p> <p>11 BY MR. CAIRONE:</p> <p>12 Q. And let's be clear. Mr.</p> <p>13 Stallings also said the solvent was always</p> <p>14 clear. Right?</p> <p>15 A. Yes.</p> <p>16 Q. So you have the only two fact</p> <p>17 witnesses, that I'm aware of, that could</p> <p>18 identify the color of the solvent, and they</p> <p>19 both said it was clear. Right?</p> <p>20 A. They did.</p> <p>21 Q. And we now established that</p> <p>22 MS-408 Hancolite Glaze Cleaner is purple.</p> <p>23 Right?</p> <p>24 MR. DuPONT: Objection, form.</p>
<p style="text-align: right;">Page 55</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH55</p> <p>1 THE WITNESS: No, I didn't</p> <p>2 really make any assumption, you know,</p> <p>3 other than trying to, you know, use</p> <p>4 the best available information.</p> <p>5 BY MR. CAIRONE:</p> <p>6 Q. What is better available</p> <p>7 information than the testimony of the</p> <p>8 plaintiff and his co-worker?</p> <p>9 A. I'm not trying to suggest it's</p> <p>10 not good information. I'm just pointing out,</p> <p>11 you know, that he's being asked about</p> <p>12 details of products that he used in the</p> <p>13 distant past.</p> <p>14 Q. Well, then maybe Mr. Stallings</p> <p>15 doesn't remember what they used either.</p> <p>16 MR. DuPONT: Objection, form.</p> <p>17 Misstates testimony.</p> <p>18 BY MR. CAIRONE:</p> <p>19 Q. You can't have it both ways.</p> <p>20 MR. DuPONT: Now you're</p> <p>21 arguing.</p> <p>22 THE WITNESS: You know, I --</p> <p>23 over the years, when I've, you know,</p> <p>24 done a lot of these worker</p>	<p style="text-align: right;">Page 57</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH57</p> <p>1 THE WITNESS: That's what</p> <p>2 Graham said, yeah.</p> <p>3 BY MR. CAIRONE:</p> <p>4 Q. Okay. Well, in fact, on page</p> <p>5 210 of Mr. Graham's deposition, he testified</p> <p>6 specifically, in response to questions asked</p> <p>7 by MR. DuPONT, that the formula for</p> <p>8 Hancolite MS-408 called for the addition of</p> <p>9 a dye. Did you read that?</p> <p>10 A. Uh-huh.</p> <p>11 Q. No reaction to that?</p> <p>12 A. No. I mean, I remember seeing</p> <p>13 this information and, you know, I recognize</p> <p>14 that there's some discordance between that</p> <p>15 information and what Stallings and Coppage</p> <p>16 recalled.</p> <p>17 Q. Tell me what you mean by some</p> <p>18 discordance.</p> <p>19 A. Well, I just -- you know,</p> <p>20 again, not to be redundant, but that -- you</p> <p>21 know, I'm not completely surprised that, you</p> <p>22 know, someone might not necessarily have a,</p> <p>23 you know, detailed recall of the color of a</p> <p>24 solvent that he used 40 years ago.</p>

<p style="text-align: right;">Page 58</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH58</p> <p>1 Q. And as an expert witness in 2 this case, do you view it as your job to 3 render your opinion based on the facts of 4 record?</p> <p>5 MR. DuPONT: Objection, form. 6 THE WITNESS: Yeah. 7 BY MR. CAIRONE:</p> <p>8 Q. So where is the fact of record 9 that Mr. Coppage used a purple solvent?</p> <p>10 MR. DuPONT: Objection, form. 11 THE WITNESS: In describing 12 the solvent he used, he didn't 13 mention it as being purple. 14 BY MR. CAIRONE:</p> <p>15 Q. Where in the record is there 16 any evidence of Mr. Coppage using a purple 17 solvent?</p> <p>18 A. There isn't any. He didn't 19 bring it up.</p> <p>20 Q. Not the fact that he didn't 21 bring it up. Where in the record is there 22 any evidence of Mr. Coppage using a purple 23 solvent?</p> <p>24 MR. DuPONT: Objection, form.</p>	<p style="text-align: right;">Page 60</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH60</p> <p>1 cleaning, that was the assumption they made. 2 Yeah.</p> <p>3 Q. What's the benzene content of 4 the U.S. Printing Ink solvent that Mr. 5 Coppage used?</p> <p>6 A. You know, I don't recall 7 seeing that anywhere in the record.</p> <p>8 Q. So there's no fact in the 9 record to establish what the benzene content 10 was of the U.S. Printing Ink solvent. Is 11 that right?</p> <p>12 A. I didn't see it and I didn't 13 directly use that information in the 14 exposure assessment.</p> <p>15 Q. But Mr. Stallings said they 16 used the U.S. Printing Ink solvent and the 17 Sun Chemical solvent more often than they 18 used Hanco.</p> <p>19 A. I'm sorry. I think I lost the 20 train there. Are we talking about the 21 solvents or the inks?</p> <p>22 Q. We're only talking about 23 solvents with me. I want to be clear about 24 that. Okay?</p>
<p style="text-align: right;">Page 59</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH59</p> <p>1 THE WITNESS: There isn't any. 2 BY MR. CAIRONE:</p> <p>3 Q. So in your exposure assessment 4 for the solvents, just so we're clear, you 5 did use the assumption that all of the 6 solvents Mr. Coppage used at the Baltimore 7 Sun and the News-American contained 50 8 percent benzene. Right?</p> <p>9 A. This is in the pre-1977 time 10 period we're talking about?</p> <p>11 Q. Yes. 12 A. Yeah. Well, particularly the 13 solvent that he used for the press cleaning 14 steps. That's what he was asked about.</p> <p>15 Q. Well, when you made your 16 exposure assessment for solvent usage prior 17 to 1977, did you always use the assumption 18 that the solvent contains 50 percent 19 benzene?</p> <p>20 A. For this particular set of 21 cleaning tasks that he did, you know, the 22 cleaning at the end of the day, the cleaning 23 for the ink buckets, and then the 24 semi-annual, you know, sort of general press</p>	<p style="text-align: right;">Page 61</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH61</p> <p>1 A. Sure. Okay. 2 Q. And I'm only talking about 3 solvents prior to 1977. Okay?</p> <p>4 A. Got you. 5 Q. Now, you just said you don't 6 know the benzene content of the U.S. 7 Printing Ink solvent. Correct?</p> <p>8 A. I'm sorry, I misunderstood 9 your question. I thought you were referring 10 to the ink itself, not the solvent.</p> <p>11 Q. Well, now that you understand 12 the question, what's your answer?</p> <p>13 A. Could I hear it again? 14 Q. Do you know the benzene 15 content of the U.S. Printing Ink solvent 16 that Mr. Coppage used prior to 1977?</p> <p>17 A. There wasn't direct 18 information in the record. They, as I 19 recall -- I guess it was Stallings, you 20 know, mentioned that there were those three 21 sources and that they tended to use them 22 interchangeably depending on what was 23 available. So I thought it was reasonable 24 to say, well, since the solvents were all</p>

<p style="text-align: right;">Page 62</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH62</p> <p>1 being used interchangeably, that they have</p> <p>2 the same composition.</p> <p>3 Q. There's not only no direct</p> <p>4 evidence, there's no evidence of the benzene</p> <p>5 content of the U.S. Printing Ink solvent</p> <p>6 that was used; is there?</p> <p>7 MR. DuPONT: False. Form.</p> <p>8 THE WITNESS: It's not</p> <p>9 specified in anyone's deposition, no.</p> <p>10 BY MR. CAIRONE:</p> <p>11 Q. Is it specified anywhere on</p> <p>12 the record, that you're aware of?</p> <p>13 MR. DuPONT: Form.</p> <p>14 THE WITNESS: I don't recall</p> <p>15 seeing it, no.</p> <p>16 BY MR. CAIRONE:</p> <p>17 Q. Okay. Same question for Sun</p> <p>18 Chemical solvent. Is there anywhere in the</p> <p>19 record that shows what the benzene content</p> <p>20 of the Sun Chemical solvent was?</p> <p>21 MR. DuPONT: Form.</p> <p>22 THE WITNESS: I don't remember</p> <p>23 seeing that in the record, no.</p> <p>24 BY MR. CAIRONE:</p>	<p style="text-align: right;">Page 64</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH64</p> <p>1 record?</p> <p>2 MR. DuPONT: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: Well, aside for</p> <p>5 the fact that they were using the</p> <p>6 three products.</p> <p>7 BY MR. CAIRONE:</p> <p>8 Q. Okay. So I understand, the</p> <p>9 only reason that you made that assumption</p> <p>10 across all three products was, they used all</p> <p>11 three products the same way. Right?</p> <p>12 MR. DuPONT: Objection, form.</p> <p>13 THE WITNESS: They did. Yeah.</p> <p>14 BY MR. CAIRONE:</p> <p>15 Q. Okay. So, just to make the</p> <p>16 record clear, you made no attempt to account</p> <p>17 for the fact that Stallings said that over</p> <p>18 half the time, at both the Baltimore Sun and</p> <p>19 the News-American, he used a solvent made by</p> <p>20 two other companies other than Hanco?</p> <p>21 MR. DuPONT: Objection, form.</p> <p>22 THE WITNESS: Can you --</p> <p>23 BY MR. CAIRONE:</p> <p>24 Q. You didn't differentiate. I</p>
<p style="text-align: right;">Page 63</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH63</p> <p>1 Q. Do you mention in your report</p> <p>2 the benzene content of any product, other</p> <p>3 than Hanco MS-408?</p> <p>4 A. Well, what I tried to do in</p> <p>5 the report was do the exposure assessment</p> <p>6 for his cleaning processes using the</p> <p>7 solvents. And, as it turns out, there were</p> <p>8 the three possibilities. But I didn't</p> <p>9 specifically link the exposure or the</p> <p>10 benzene content to an individual product.</p> <p>11 Q. So what you did do was use the</p> <p>12 benzene content of the purple Hancolite</p> <p>13 MS-408. Right?</p> <p>14 A. Right.</p> <p>15 Q. And you just used that for the</p> <p>16 U.S. Printing Ink and Sun Chemical solvent</p> <p>17 just because you assumed it would be the</p> <p>18 same. Right?</p> <p>19 A. Well, they were using the</p> <p>20 solvents interchangeably, so I thought it</p> <p>21 was a reasonable assumption.</p> <p>22 Q. That was your assumption.</p> <p>23 A. That was.</p> <p>24 Q. Based on nothing in the</p>	<p style="text-align: right;">Page 65</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH65</p> <p>1 mean, you just said you just used it all. 50</p> <p>2 percent for everybody. Right?</p> <p>3 A. Well, I did the exposure</p> <p>4 assessment across the range of solvents.</p> <p>5 And I didn't try to, you know, specify which</p> <p>6 particular material was being used.</p> <p>7 Q. Okay. Now, the</p> <p>8 near-field/far-field model that you used to</p> <p>9 calculate the exposure assessment for the</p> <p>10 solvents, that's based on an IH Mod 2.0</p> <p>11 Mathematical Modeling. Right?</p> <p>12 A. That's correct, yes.</p> <p>13 Q. And that's basically an Excel</p> <p>14 spreadsheet. Right?</p> <p>15 A. Well, I think the authors</p> <p>16 would probably view it as, you know,</p> <p>17 something fancier than that, but --</p> <p>18 Q. Well, can we agree, it's a</p> <p>19 fancy Excel spreadsheet, basically?</p> <p>20 A. Sure. I mean, in terms of --</p> <p>21 Q. It's complicated. It's not</p> <p>22 your simple two plus two equals four, but</p> <p>23 it's a spreadsheet --</p> <p>24 A. It is.</p>

<p style="text-align: right;">Page 86</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH86</p> <p>1 wasn't engaged in that aspect of the case.</p> <p>2 Q. Okay. You have no opinions on</p> <p>3 the actual precise diagnosis of Mr.</p> <p>4 Copping's disease; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. You have no opinions on</p> <p>7 whether or not the literature supports any</p> <p>8 increased risk or causal connection between</p> <p>9 exposure to benzene and Mr. Copping's</p> <p>10 precise diagnosis. Is that correct?</p> <p>11 MR. DuPONT: Compound.</p> <p>12 THE WITNESS: You know, that's</p> <p>13 really not my area. I don't really</p> <p>14 have an opinion on that.</p> <p>15 BY MR. CAIRONE:</p> <p>16 Q. And you have no opinions about</p> <p>17 the latency of Mr. Copping's disease. For</p> <p>18 example, when exposure -- how many years</p> <p>19 before the time of diagnosis would a benzene</p> <p>20 exposure be relevant for causation purposes.</p> <p>21 You have no opinions on that; correct?</p> <p>22 A. Correct. That's really</p> <p>23 outside my area.</p> <p>24 Q. Do you know who Dr. David</p>	<p style="text-align: right;">Page 88</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH88</p> <p>1 A. No. That's been pretty much</p> <p>2 the scope of my work on this.</p> <p>3 Q. So you're certainly not going</p> <p>4 to come to trial and give us any causation</p> <p>5 opinions. Correct?</p> <p>6 A. Right. That's really not my</p> <p>7 area.</p> <p>8 Q. And you're not going to come</p> <p>9 to trial and give an opinion about whether</p> <p>10 or not Mr. Copping was at an increased risk</p> <p>11 of developing the bone marrow disorder that</p> <p>12 he developed because of his work as a</p> <p>13 pressman. Correct?</p> <p>14 A. That's correct.</p> <p>15 Q. After you finished and</p> <p>16 completed your report, did you read any of</p> <p>17 the reports of the defense expert?</p> <p>18 A. I did.</p> <p>19 Q. Did you read Robert Adams'</p> <p>20 report?</p> <p>21 A. I did.</p> <p>22 Q. And what other reports of the</p> <p>23 defendants did you review?</p> <p>24 A. I read the report from Mr.</p>
<p style="text-align: right;">Page 87</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH87</p> <p>1 Chang is?</p> <p>2 A. No, I'm sorry. It doesn't</p> <p>3 ring a bell.</p> <p>4 Q. So you didn't consult with any</p> <p>5 of the other plaintiff experts in this case</p> <p>6 before writing your report or before giving</p> <p>7 this deposition?</p> <p>8 A. Correct, I did not.</p> <p>9 Q. In terms of the scope of your</p> <p>10 retention, obviously from your report it</p> <p>11 would be correct to say that you were</p> <p>12 retained by MR. DuPONT to come up with a</p> <p>13 cumulative dose calculation or assessment to</p> <p>14 benzene for Mr. Copping for his career as a</p> <p>15 pressman; correct?</p> <p>16 MR. DuPONT: Form.</p> <p>17 THE WITNESS: The only</p> <p>18 distinction I would draw was that I</p> <p>19 was really asked to estimate the</p> <p>20 cumulative exposure. That is,</p> <p>21 overall dose.</p> <p>22 BY MS. PROSSER:</p> <p>23 Q. Oh, okay. Were you given any</p> <p>24 other assignments by counsel for this case?</p>	<p style="text-align: right;">Page 89</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAIH89</p> <p>1 Spencer and from Mr. Cohn, C-O-H-N. There</p> <p>2 may be one other. I'm not remembering right</p> <p>3 now. I think there might have been four</p> <p>4 defense reports that were sent my way, and</p> <p>5 I'm just blanking on what the fourth one</p> <p>6 might have been. But definitely those</p> <p>7 three.</p> <p>8 Q. Those three individuals are</p> <p>9 all industrial hygienists; correct?</p> <p>10 A. Correct.</p> <p>11 Q. Let me ask you this: Did you</p> <p>12 read the report of Dr. Gregory Sarnoff?</p> <p>13 A. I don't believe I have that</p> <p>14 one. That doesn't ring a bell.</p> <p>15 Q. How about the report of Dr.</p> <p>16 Robert McKearney?</p> <p>17 A. No, I didn't see that.</p> <p>18 Q. Going back to Mr. Adams'</p> <p>19 report. Are you intending to offer any</p> <p>20 opinions at trial regarding the opinions</p> <p>21 expressed by Mr. Adams?</p> <p>22 A. Well, yeah, if I was asked</p> <p>23 and, you know, there are some things that I</p> <p>24 would comment on. Sure.</p>

<p style="text-align: right;">Page 126</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI126</p> <p>1 characteristics he remembered of the</p> <p>2 solvent. That it was sweet smelling.</p> <p>3 What he remembered about the</p> <p>4 evaporation rate, that it evaporated</p> <p>5 quickly. The fact that it was</p> <p>6 irritating to the skin. Those, to</p> <p>7 me, would all suggest that, you know,</p> <p>8 there is a high likelihood that that</p> <p>9 material was benzene-containing.</p> <p>10 BY MS. PROSSER:</p> <p>11 Q. And when you say</p> <p>12 benzene-containing, are you contemplating a</p> <p>13 solvent where benzene was not an added</p> <p>14 ingredient, but rather was a trade</p> <p>15 contaminant as a result of the commercial</p> <p>16 refinery manufacturing processes for</p> <p>17 solvents?</p> <p>18 MR. DuPONT: Objection, form.</p> <p>19 THE WITNESS: I would say more</p> <p>20 of the former. That it was, you know</p> <p>21 -- you know, an ingredient that was,</p> <p>22 you know, intentionally incorporated.</p> <p>23 And that would be, you know, partly</p> <p>24 based on the evaporation rate.</p>	<p style="text-align: right;">Page 128</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI128</p> <p>1 Stallings at News-American and at the</p> <p>2 Baltimore Sun from 1950 to '69 was one of</p> <p>3 the four that has benzene as an added</p> <p>4 ingredient among the Handschy products.</p> <p>5 Correct?</p> <p>6 MR. DuPONT: Objection, form.</p> <p>7 THE WITNESS: You know, I</p> <p>8 don't see enough information in the</p> <p>9 record to, you know, get to that</p> <p>10 point.</p> <p>11 BY MS. PROSSER:</p> <p>12 Q. Now, I'm just skipping around</p> <p>13 in my notes here to try to wrap things up.</p> <p>14 Are you familiar with the</p> <p>15 term, state of the art?</p> <p>16 A. In a general sense, I think,</p> <p>17 yeah.</p> <p>18 Q. Okay. I just want to make</p> <p>19 sure I've nailed down what you are and are</p> <p>20 not going to be testifying to at trial.</p> <p>21 You have not been retained to</p> <p>22 provide a state of the art opinion regarding</p> <p>23 what Defendant Handschy should have known</p> <p>24 about the dangers of benzene from 1960 to</p>
<p style="text-align: right;">Page 127</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI127</p> <p>1 You know, when you look at</p> <p>2 some of these other materials, like</p> <p>3 some of the mineral spirits products</p> <p>4 that, you know, can contain benzene,</p> <p>5 but in much lower concentrations, you</p> <p>6 know, those tend not to evaporate</p> <p>7 anywhere near as quickly as the way</p> <p>8 this product was described.</p> <p>9 BY MS. PROSSER:</p> <p>10 Q. Are you aware that there were</p> <p>11 only four products ever manufactured by</p> <p>12 Handschy that had benzene as an</p> <p>13 intentionally added ingredient?</p> <p>14 MR. DuPONT: Form.</p> <p>15 THE WITNESS: That does sound</p> <p>16 familiar. I think that was mentioned</p> <p>17 in -- what's his -- I forgot the name</p> <p>18 of the gentleman who was deposed from</p> <p>19 the company, but that does sound like</p> <p>20 a familiar value, yeah.</p> <p>21 BY MS. PROSSER:</p> <p>22 Q. And you cannot testify, to a</p> <p>23 reasonable degree of scientific certainty,</p> <p>24 that the Hanco solvent identified by Mr.</p>	<p style="text-align: right;">Page 129</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI129</p> <p>1 1969. Is that a correct statement?</p> <p>2 A. Yeah, that really wasn't one</p> <p>3 of my objectives in preparing this report.</p> <p>4 Q. Okay. In 1960 to 1969, OSHA</p> <p>5 was not in existence, obviously. Right?</p> <p>6 A. Right.</p> <p>7 Q. So the only really published</p> <p>8 regulatory information about benzene</p> <p>9 exposure would have come from the ACGIH at</p> <p>10 that point and their TLVs; right? In '60 to</p> <p>11 '69.</p> <p>12 MR. DuPONT: Counsel, I --</p> <p>13 BY MS. PROSSER:</p> <p>14 Q. And in 1960 to 1969, the TLV</p> <p>15 for benzene was 25 parts per million. Was it</p> <p>16 not?</p> <p>17 MR. DuPONT: I'm going to make</p> <p>18 a compound objection. We've already</p> <p>19 established he's not testifying about</p> <p>20 state of the art. You want to ask him</p> <p>21 what the TLV was during a particular</p> <p>22 time period, then you can. But</p> <p>23 you've kind of snuck another issue</p> <p>24 into your question, and so it's</p>

<p style="text-align: right;">Page 130</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI130</p> <p>1 compound, beyond the scope and lacks</p> <p>2 foundation.</p> <p>3 BY MS. PROSSER:</p> <p>4 Q. Okay. Let me just ask you.</p> <p>5 The ACGIH TLV for benzene from 1960 to 1969</p> <p>6 was 25 parts per million. Correct?</p> <p>7 A. I think that's correct, yes.</p> <p>8 Q. Now, just as a general rule,</p> <p>9 if somebody says to you, I used a general</p> <p>10 purpose cleaning solvent from 1960 to '69,</p> <p>11 that doesn't tell you -- by the use of the</p> <p>12 term general cleaning solvent, that doesn't</p> <p>13 tell you about the benzene content, if any.</p> <p>14 Right?</p> <p>15 A. Well, I think you'd want to</p> <p>16 refine the question just a little bit. If</p> <p>17 you were talking about people working in</p> <p>18 pressrooms during that time period, you</p> <p>19 know, I think one could reasonably conclude</p> <p>20 that there's a good likelihood that that</p> <p>21 cleaning material was benzene-containing</p> <p>22 because that was a common practice in the</p> <p>23 '60s and '70s.</p> <p>24 Q. And that would cover both</p>	<p style="text-align: right;">Page 132</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI132</p> <p>1 mean, if you think about the</p> <p>2 technology, a lot of the inks that</p> <p>3 were used, you know, were</p> <p>4 benzene-containing themselves. So it</p> <p>5 makes sense that the material that</p> <p>6 was used to clean the inks also was</p> <p>7 benzene-containing.</p> <p>8 BY MS. PROSSER:</p> <p>9 Q. Right. I guess I'm not being</p> <p>10 clear, and I apologize. I'm just trying to</p> <p>11 get to a very simple concept. The term</p> <p>12 general purpose cleaning solvent doesn't</p> <p>13 tell you by that term whether benzene was</p> <p>14 present as a contaminant or whether benzene</p> <p>15 was present as an added ingredient. You</p> <p>16 would have to know what the constituents of</p> <p>17 that solvent were to be able to answer the</p> <p>18 question as to what percentage, if any, of</p> <p>19 benzene was in that product. Is that</p> <p>20 correct?</p> <p>21 MR. DuPONT: Form. Vague</p> <p>22 content.</p> <p>23 THE WITNESS: Yeah, I think</p> <p>24 that's a fair characterization. Yeah.</p>
<p style="text-align: right;">Page 131</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI131</p> <p>1 solvents that had benzene as a contaminant</p> <p>2 for trade spending as well as solvent where</p> <p>3 perhaps there was benzene added. Right?</p> <p>4 MR. DuPONT: Form. Compound.</p> <p>5 Vague.</p> <p>6 THE WITNESS: I wouldn't rule</p> <p>7 it out that there could have been a</p> <p>8 wide range of benzene contents in</p> <p>9 those cleaners. Yeah.</p> <p>10 BY MS. PROSSER:</p> <p>11 Q. So my only point that I was</p> <p>12 trying to get to in my question was, just</p> <p>13 the fact of the generic description, general</p> <p>14 purpose cleaning solvent, that doesn't tell</p> <p>15 you whether there was benzene as a trace</p> <p>16 constituent or contaminant versus benzene as</p> <p>17 an added ingredient. That terminology,</p> <p>18 general purpose cleaner. That's all I'm</p> <p>19 trying to get at.</p> <p>20 MR. DuPONT: Objection, form.</p> <p>21 THE WITNESS: Yeah, I think in</p> <p>22 this particular working environment,</p> <p>23 you know, you would expect there to</p> <p>24 be benzene present at some level. I</p>	<p style="text-align: right;">Page 133</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI133</p> <p>1 MS. PROSSER: Thank you.</p> <p>2 Just for the record, I want to</p> <p>3 join in Mr. Cairone's Motion to</p> <p>4 Strike in case that wasn't clear on</p> <p>5 the record.</p> <p>6 BY MS. PROSSER:</p> <p>7 Q. I'm just going through here. I</p> <p>8 think I might be done, but I do reserve the</p> <p>9 right to come back and ask you any follow up</p> <p>10 questions after other counsel have completed</p> <p>11 their questioning. Thank you so much,</p> <p>12 Doctor.</p> <p>13 A. Okay. Thank you.</p> <p>14 - - -</p> <p>15 MR. ROBERTS: This is Ted</p> <p>16 Roberts for Varn, Mr. DuPont.</p> <p>17 BY MR. ROBERTS:</p> <p>18 Q. Dr. Herrick, nice to meet you.</p> <p>19 A. Hello.</p> <p>20 Q. Can you hear me okay?</p> <p>21 A. Yeah, you're fine.</p> <p>22 Q. Very good. Have you asked</p> <p>23 plaintiff's counsel for any information that</p> <p>24 you have yet to receive regarding the</p>

<p style="text-align: right;">Page 134</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI134</p> <p>1 Coppage case?</p> <p>2 A. I have not, no.</p> <p>3 Q. Good. Has plaintiff's counsel</p> <p>4 offered you any information that you have</p> <p>5 yet to receive regarding the Coppage case?</p> <p>6 A. I don't think so.</p> <p>7 Q. Have you produced all the</p> <p>8 documents and testimony that you have</p> <p>9 reviewed in connection with your</p> <p>10 investigation in the Coppage case?</p> <p>11 MR. DuPONT: Objection to</p> <p>12 form.</p> <p>13 THE WITNESS: Yeah. The</p> <p>14 answer is yeah.</p> <p>15 BY MR. ROBERTS:</p> <p>16 Q. Okay. Do you consider your</p> <p>17 fact finding and investigation into Mr.</p> <p>18 Coppage's case complete?</p> <p>19 MR. DuPONT: Form.</p> <p>20 THE WITNESS: I think so,</p> <p>21 yeah.</p> <p>22 BY MR. ROBERTS:</p> <p>23 Q. With respect to your August</p> <p>24 9th, 2019 report -- and you can have that</p>	<p style="text-align: right;">Page 136</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI136</p> <p>1 Q. Is it fair to say that you</p> <p>2 have not quantified Mr. Coppage's dose level</p> <p>3 of benzene exposure to any specific Varn</p> <p>4 International product?</p> <p>5 MR. DuPONT: Objection, form.</p> <p>6 THE WITNESS: That's correct,</p> <p>7 right.</p> <p>8 BY MR. ROBERTS:</p> <p>9 Q. In the Dropbox production that</p> <p>10 I received this morning, I noticed a folder</p> <p>11 labeled Varn International, and it contained</p> <p>12 two depositions of Varn representatives. One</p> <p>13 Paul Peterson, dated 12/3/14, and the other</p> <p>14 one Kevin Fenneweld, dated 11/23/2010.</p> <p>15 Neither of those depositions were referenced</p> <p>16 in your August 9th, 2019 report. Is that</p> <p>17 fair?</p> <p>18 A. I don't -- yeah, I don't</p> <p>19 recall mentioning those in the report.</p> <p>20 Q. When did you receive those</p> <p>21 deposition transcripts?</p> <p>22 A. You know, I'm not recalling</p> <p>23 when I would have gotten those. You know,</p> <p>24 I've got a lot of information in the Box,</p>
<p style="text-align: right;">Page 135</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI135</p> <p>1 out. I just want to ask you a few questions</p> <p>2 about that.</p> <p>3 A. Okay.</p> <p>4 Q. Your report of August 9th,</p> <p>5 2019 does not mention Varn International by</p> <p>6 name. Is that correct?</p> <p>7 A. I'm sorry, could you repeat</p> <p>8 the question?</p> <p>9 Q. Sure. Your report of August</p> <p>10 9th, 2019 does not mention Varn</p> <p>11 International by name. Correct?</p> <p>12 A. No, I don't believe it does.</p> <p>13 Q. I'm sorry, that's going to</p> <p>14 read a little bit funny. I think we're on</p> <p>15 the same page. Let me ask it a different</p> <p>16 way.</p> <p>17 Does your report mention Varn</p> <p>18 at all?</p> <p>19 A. No.</p> <p>20 Q. Does your report of August,</p> <p>21 2019 mention a Varn International product by</p> <p>22 name at all?</p> <p>23 A. I don't think so. No, I don't</p> <p>24 think so.</p>	<p style="text-align: right;">Page 137</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI137</p> <p>1 and I can't tell you I've got a good</p> <p>2 recollection of those.</p> <p>3 Q. Sure. Maybe if I can narrow it</p> <p>4 for you. Can you tell me whether or not you</p> <p>5 received those deposition transcripts before</p> <p>6 or after you wrote your August 9, 2019</p> <p>7 report?</p> <p>8 A. I don't remember when -- you</p> <p>9 know, I really don't remember those</p> <p>10 depositions, to tell you the truth. And so</p> <p>11 I would have to say, if I have them, it's</p> <p>12 probably after.</p> <p>13 Q. And that's my next question.</p> <p>14 Have you reviewed those depositions</p> <p>15 completely?</p> <p>16 A. You know, I'm not recalling</p> <p>17 those depositions.</p> <p>18 Q. Okay. Is it fair to say you</p> <p>19 attach no significance to that deposition</p> <p>20 testimony with respect to your opinions in</p> <p>21 this case?</p> <p>22 MR. DuPONT: Objection, form.</p> <p>23 THE WITNESS: Oh, well, I'm</p> <p>24 sorry. I don't remember having seen</p>

<p style="text-align: right;">Page 142</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI142</p> <p>1 least to your knowledge, that doesn't have</p> <p>2 anything to do with this case?</p> <p>3 MR. DuPONT: Objection, form.</p> <p>4 THE WITNESS: I don't remember</p> <p>5 that being mentioned in any of the</p> <p>6 depositions or anywhere in the</p> <p>7 record, no.</p> <p>8 BY MR. FISHKIN:</p> <p>9 Q. Do you know what Tower</p> <p>10 Products, Inc. is?</p> <p>11 A. No, I'm afraid I don't.</p> <p>12 Q. Do you know what Tiger Quick</p> <p>13 Wash is?</p> <p>14 A. No, I don't.</p> <p>15 Q. There's a section in your</p> <p>16 Dropbox called, "Defendant Specific</p> <p>17 Products." Or, excuse me, the Dropbox that</p> <p>18 Mr. DuPont sent to us before the deposition.</p> <p>19 Are you familiar with that section of the</p> <p>20 Dropbox?</p> <p>21 A. I haven't seen what Andrew</p> <p>22 sent this morning, so I'd have to -- I mean,</p> <p>23 I guess we can pull it up right now. Do you</p> <p>24 want us to look at it?</p>	<p style="text-align: right;">Page 144</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI144</p> <p>1 A. I do.</p> <p>2 Q. Okay. Have you reviewed the</p> <p>3 contents of that folder?</p> <p>4 A. We're looking at it now. I</p> <p>5 think so. Let's see. This is an e-mail.</p> <p>6 MR. DuPONT: Let me make it</p> <p>7 bigger so you can read it.</p> <p>8 THE WITNESS: Okay.</p> <p>9 BY MR. FISHKIN:</p> <p>10 Q. So, Dr. Herrick, did you</p> <p>11 review either of those documents in that</p> <p>12 folder?</p> <p>13 A. Yeah, I'm looking at it again</p> <p>14 now. You know, I remember having this</p> <p>15 information. So I do have it here. Right.</p> <p>16 Q. When did you receive it?</p> <p>17 A. Oh, gee. I'm afraid I don't</p> <p>18 have a good recollection of that. We had</p> <p>19 information coming into the Dropbox, you</p> <p>20 know, pretty much throughout the spring and</p> <p>21 early summer. I can't say that I remember</p> <p>22 every particular entry.</p> <p>23 Q. Are you able to tell me</p> <p>24 whether you received it before or after you</p>
<p style="text-align: right;">Page 143</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI143</p> <p>1 MR. DuPONT: Are you saying</p> <p>2 the specific products or documents?</p> <p>3 MR. FISHKIN: I'm sorry,</p> <p>4 Andrew. Say it again.</p> <p>5 MR. DuPONT: Did you say it</p> <p>6 says defendant specific products or</p> <p>7 defendant specific documents?</p> <p>8 MR. FISHKIN: Excuse me.</p> <p>9 Defendant specific documents.</p> <p>10 MR. DuPONT: Okay.</p> <p>11 BY MR. FISHKIN:</p> <p>12 Q. So there's a folder, Mr.</p> <p>13 Herrick -- or excuse me, Dr. Herrick, in the</p> <p>14 Dropbox that Mr. DuPont sent. The folder is</p> <p>15 entitled, "Defendant Specific Documents." Do</p> <p>16 you have that in front of you?</p> <p>17 A. Andrew has it on his laptop,</p> <p>18 yeah.</p> <p>19 Q. All right. You see that?</p> <p>20 A. I do.</p> <p>21 Q. Okay. So behind that folder,</p> <p>22 there are separate folders with titles, with</p> <p>23 different defendants' names. One of them is</p> <p>24 Ashland. Do you see that one?</p>	<p style="text-align: right;">Page 145</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI145</p> <p>1 drafted your report?</p> <p>2 A. I actually don't recall. Yeah,</p> <p>3 I'm afraid I don't know.</p> <p>4 Q. Did you rely on either of</p> <p>5 those documents in preparing your opinions</p> <p>6 in this case, and reaching your opinions in</p> <p>7 this case?</p> <p>8 A. No, I didn't. I don't -- you</p> <p>9 know, this particular product, you know, as</p> <p>10 we've talked about, you know, there really</p> <p>11 wasn't a lot of product specific information</p> <p>12 available from either Coppage or Stallings.</p> <p>13 And so I would say, no, I didn't rely on</p> <p>14 this.</p> <p>15 Q. Do you know what either of</p> <p>16 these documents have to do with this case?</p> <p>17 A. Well, it's --</p> <p>18 MR. DuPONT: Objection, vague.</p> <p>19 THE WITNESS: -- clearly a</p> <p>20 printing-related product. So, you</p> <p>21 know, in that sense, you know, it's</p> <p>22 relevant and it does contain benzene,</p> <p>23 at least at the time.</p> <p>24 What's the date on this? This</p>

<p style="text-align: right;">Page 162</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI162</p> <p>1 BY MR. FISHKIN:</p> <p>2 Q. I just want to be sure that</p> <p>3 we're talking about the same thing. When you</p> <p>4 say you don't remember that particular one,</p> <p>5 I'm looking at -- When I click on the</p> <p>6 folder, I'm looking at -- it looks to be</p> <p>7 somewhere around 20 documents.</p> <p>8 A. I think we're looking at the</p> <p>9 same files, yeah.</p> <p>10 Q. Okay. My understanding of your</p> <p>11 testimony would be that you're not able to</p> <p>12 tell me when you received any of the</p> <p>13 documents within that folder?</p> <p>14 A. I think that's fair. I just</p> <p>15 don't have a particular recollection of it.</p> <p>16 Q. Okay. Did you ask for any of</p> <p>17 these documents?</p> <p>18 A. I'm pretty sure I did. We</p> <p>19 have -- as we've been working on these</p> <p>20 cases, you know, the toluene question has</p> <p>21 come up, obviously. And so I think I</p> <p>22 probably did ask for them, yeah.</p> <p>23 Q. All right. Can you tell me</p> <p>24 then, there is a document, it appears on my</p>	<p style="text-align: right;">Page 164</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI164</p> <p>1 content of toluene. And, you know, I</p> <p>2 worked on toluene-related projects</p> <p>3 over time when I was at NIOSH. And</p> <p>4 so I was aware that there was a fair</p> <p>5 bit of data out there. That is, I</p> <p>6 guess, why I thought it was relevant.</p> <p>7 BY MR. FISHKIN:</p> <p>8 Q. Do any of these documents tell</p> <p>9 you the benzene content of any toluene to</p> <p>10 which Mr. Coppage was exposed --</p> <p>11 MR. DuPONT: Objection, vague.</p> <p>12 BY MR. FISHKIN:</p> <p>13 Q. -- at Alco-Gravure.</p> <p>14 A. Yeah. Only in the sense that I</p> <p>15 would not be surprised that the toluene that</p> <p>16 was used, you know, for this type of</p> <p>17 cleaning, you know, was not, you know, like</p> <p>18 a real high grade, you know, reagent grade,</p> <p>19 or chromatography grade, or something like</p> <p>20 that. That, you know, it's -- I think it</p> <p>21 would be likely that it was probably sort of</p> <p>22 a technical grade toluene, which, you know,</p> <p>23 could be an indication that it, you know,</p> <p>24 would have higher benzene levels than some</p>
<p style="text-align: right;">Page 163</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI163</p> <p>1 screen in the second row. It's an Equistar,</p> <p>2 which is a Lyondell Company, an MSDS for</p> <p>3 commercial grade toluene. Can you tell me</p> <p>4 why you asked for that document?</p> <p>5 MR. DuPONT: Objection, form.</p> <p>6 THE WITNESS: Well, I have a</p> <p>7 feeling that, you know, in the</p> <p>8 conversations I probably didn't ask</p> <p>9 for each one of these documents by</p> <p>10 name. We were trying to come up with</p> <p>11 a good overview of what was available</p> <p>12 on the composition of toluene.</p> <p>13 I didn't ask Andrew for each</p> <p>14 one of these, you know, by specific</p> <p>15 title or name.</p> <p>16 BY MR. FISHKIN:</p> <p>17 Q. Since I started with that</p> <p>18 MSDS, let me just ask you one follow-up,</p> <p>19 which is: Does that document have any</p> <p>20 relevance to this case?</p> <p>21 MR. DuPONT: Objection, vague.</p> <p>22 THE WITNESS: Well, in a sense</p> <p>23 that, as I'm sure you know, there's a</p> <p>24 lot of information about the benzene</p>	<p style="text-align: right;">Page 165</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI165</p> <p>1 of the more pure forms.</p> <p>2 Q. Is there any record evidence</p> <p>3 in this case for what you just testified to?</p> <p>4 MR. DuPONT: Objection, form.</p> <p>5 THE WITNESS: You mean about</p> <p>6 the grade of the toluene?</p> <p>7 BY MR. FISHKIN:</p> <p>8 Q. Yes.</p> <p>9 MR. DuPONT: Form.</p> <p>10 THE WITNESS: I don't recall</p> <p>11 any specific conversation, you know,</p> <p>12 saying the depositions or anything,</p> <p>13 but I would just say, you know, my</p> <p>14 experience would suggest to me that</p> <p>15 toluene, you know, used for cleaning</p> <p>16 surfaces like this, you know, is</p> <p>17 likely to be a less pure grade than</p> <p>18 some of the other toluene that's</p> <p>19 around.</p> <p>20 BY MR. FISHKIN:</p> <p>21 Q. What's the entirety of your</p> <p>22 knowledge concerning the toluene use at</p> <p>23 Alco-Gravure?</p> <p>24 A. Well, this was -- it kind of</p>

<p style="text-align: right;">Page 266</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI266</p> <p>1 true?</p> <p>2 A. Sure.</p> <p>3 Q. Well, earlier this morning you</p> <p>4 said that you thought Mr. Stallings and Mr.</p> <p>5 Copping might have misremembered that it was</p> <p>6 clear.</p> <p>7 MR. DuPONT: Objection, form.</p> <p>8 THE WITNESS: Well, my</p> <p>9 observation was that we were talking</p> <p>10 about their recollection of something</p> <p>11 they used 40 years ago. And so I</p> <p>12 wouldn't, you know, outlaw the -- you</p> <p>13 know, rule out the possibility that</p> <p>14 their recollection was incomplete or</p> <p>15 imperfect.</p> <p>16 BY MR. CAIRONE:</p> <p>17 Q. Well, this morning you didn't</p> <p>18 say, well, purple might be clear.</p> <p>19 MR. DuPONT: Objection, form.</p> <p>20 THE WITNESS: Well, I don't</p> <p>21 think I was asked this morning to try</p> <p>22 to thread the needle that way, you</p> <p>23 know. But in responding to this</p> <p>24 question this afternoon, you know, I</p>	<p style="text-align: right;">Page 268</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI268</p> <p>1 the way the material flows, the nature of</p> <p>2 the -- you know, sort of the viscosity of</p> <p>3 the liquid. Those are the kinds of things I</p> <p>4 was thinking about.</p> <p>5 Q. Well, according to Mr.</p> <p>6 Graham's deposition, why did Handschy dye</p> <p>7 the Hancolite MS-408?</p> <p>8 A. I'm trying to remember. Was</p> <p>9 it because he felt it was a proprietary, you</p> <p>10 know, way of designating that that was a</p> <p>11 proprietary formulation? I mean, I think I</p> <p>12 remember that coming up in the conversation.</p> <p>13 Q. Well, I think he basically</p> <p>14 said they did it to distinguish themselves</p> <p>15 from their competitors.</p> <p>16 A. Maybe that was it, yeah.</p> <p>17 Q. And so looking back at page 21</p> <p>18 of the Stallings deposition, which Mr.</p> <p>19 DuPont was referring to a little bit ago,</p> <p>20 the question was: "Was there anything</p> <p>21 distinguishable about the product inside of</p> <p>22 a U.S. Printing Ink 55-gallon drum versus a</p> <p>23 Sun chemical versus a Hanco?"</p> <p>24 "They all looked the same to</p>
<p style="text-align: right;">Page 267</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI267</p> <p>1 think there's a way to interpret the</p> <p>2 meaning of the term clear that</p> <p>3 doesn't rule out the possibility that</p> <p>4 there was a tint to the liquid.</p> <p>5 BY MR. CAIRONE:</p> <p>6 Q. Why do you have to thread the</p> <p>7 needle?</p> <p>8 A. Well, I'm trying to give you a</p> <p>9 good answer and not be evasive. But I'm</p> <p>10 trying to, you know, to acknowledge that,</p> <p>11 you know, you could -- you could see the</p> <p>12 term clear being used more than one way.</p> <p>13 Q. Did you read Mr. Graham's</p> <p>14 entire deposition?</p> <p>15 A. When I first got it I'm quite</p> <p>16 sure I did. I read it. This was a while ago.</p> <p>17 Q. And my understanding now is</p> <p>18 that you carefully considered the physical</p> <p>19 appearance of the product. So you would have</p> <p>20 paid attention to anything in that regard;</p> <p>21 right?</p> <p>22 A. Well, sure. But just in terms</p> <p>23 of, you know, physical appearance, you know,</p> <p>24 it isn't just the color. It's, you know,</p>	<p style="text-align: right;">Page 269</p> <p>ROBERT F. HERRICK, Sc.D., CIH, FAI269</p> <p>1 me."</p> <p>2 Is that consistent with a</p> <p>3 product that is distinguishable because of a</p> <p>4 color?</p> <p>5 MR. DuPONT: Objection, form.</p> <p>6 THE WITNESS: I know that's</p> <p>7 what he said. I just -- you know,</p> <p>8 again, I'm kind of trying to</p> <p>9 reference, you know, the nature of</p> <p>10 his recall to the amount of time that</p> <p>11 transpired between the time he used</p> <p>12 it and the time he was asked the</p> <p>13 questions.</p> <p>14 BY MR. CAIRONE:</p> <p>15 Q. Let me ask it again. Is what</p> <p>16 I just read consistent with a product in one</p> <p>17 drum that is dyed to distinguish it from</p> <p>18 another chemical in another drum? Is that</p> <p>19 consistent with that?</p> <p>20 MR. DuPONT: Objection, form</p> <p>21 and foundation.</p> <p>22 THE WITNESS: You know, I</p> <p>23 can't speak for him. You know, I</p> <p>24 mean, he may have felt that, you</p>